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ACTION: Amembassy BERN

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REPCU

SUBJECT: U.S. Reply to Cuban response to U.S. proposal
for anti-hijacking agreement.

Ref: State 199293 and 3810 to Bern — AV12

1. There follows below text of a note replying to the
responding
Cuban note, dated April 6, 1970, to the U.S. proposal
for an anti-hijacking agreement with Cuba which the
Embassy should request the Federal Political Department
to instruct the Swiss Embassy in Havana to deliver to
Foreign Minister Roa.
2. Embassy should also request the FPD to inform the
Swiss Embassy in Havana that the substance of the pro-
posal does not go beyond that which we communicated to
the Cuban Government through Ambassador Fischli in Havana

DRAFTED BY: ARA/CCA:RLFunseth: *RL* DRAFTING DATE: 6/16/70 TEL. EXT.: 29894 APPROVED BY: ARA - Robert A. Hurwitch *RAH*
L/ARA:MBFeldman *MB*
CLEARANCES: L - Mr. ~~Salanc~~ *Salanc* ~~XXXXXXXXXXXXXXXXXXXX~~
E/TT - Mr. Loy *Loy* S/S - Mr. Brown *Brown*

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Authority *NND 969013*By *JW* NARA Date *5/28/77*FORM DS-322
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on December 5 (State 199293) and clarified on January 14
(State 3810)/ The substance of the reply and the
employment of a "Memorandum of Understanding" as the
instrument of reply ~~was~~ were discussed with Ambassador Fischli
during his visit to Washington, May 13-15.

3. BEGIN TEXT OF NOTE:

QUOTE The Government of the United ^{states} of America has
taken note of the disposition of the Cuban Revolutionary
Government as expressed in its Note to the Embassy of
Switzerland in Havana, dated April 6, 1970, to work out
an agreement with the Government of the United States
concerning the return of hijackers based on Cuban law
1226 of September 16, 1969. It is the understanding of
the United States Government that the Cuban Government
is in accord that an agreement between the two governments
for the return of hijackers should be given wide publicity

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to achieve the maximum deterrent effect. 7

The Government of the United States welcomes the agreement in principle that has been achieved in this matter, and it hopes that the Government of Cuba will be prepared to conclude a firm understanding as soon as possible. Accordingly, the Government of the United States proposes for the consideration of the Government of Cuba the following exchange of notes with the Embassy of Switzerland setting forth a Memorandum of Understanding between our two governments. If the Government of Cuba agrees, the Memorandum of Understanding can be brought into effect immediately by an appropriate reply of the Foreign Ministry.

BEGIN TEXT OF PROPOSED EXCHANGE OF NOTES

"The Embassy of Switzerland presents its compliments to the Ministry of Foreign Relations and, in its capacity

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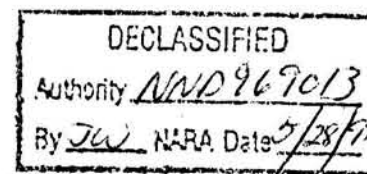
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as representative of the interests of the United States of America in Cuba, has the honor to refer to recent conversations which have taken place between the Embassy and representatives of the Government of Cuba with respect to the adoption of measures to deter the hijacking of aircraft and other similar acts.

The Embassy also has the honor to set forth below the text of the English and Spanish language versions, which shall be equally authentic, of the Memorandum of Understanding agreed upon in those conversations:

MEMORANDUM OF UNDERSTANDING BETWEEN THE EMBASSY OF SWITZERLAND IN HAVANA, REPRESENTING THE INTERESTS OF THE UNITED STATES OF AMERICA IN THE REPUBLIC OF CUBA, AND THE FOREIGN MINISTRY OF THE GOVERNMENT OF CUBA CONCERNING THE HIJACKING OF AIRCRAFT AND OTHER SIMILAR ACTS

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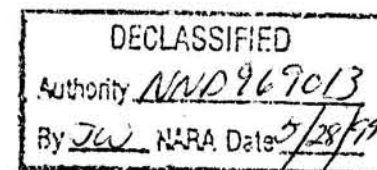
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1. The Government of the United States of America and the Government of Cuba recognize that in order to avoid a tragic accident it is necessary to adopt measures to put an end to the climate of insecurity created in air and ocean navigation by the diversion by force of ships and aircraft from their normal routes and activities, and that such measures should be adopted on a basis of equality and reciprocity.

2. Each Government therefore, upon request, will return to the other, in accordance with the procedures established under the laws of the requested state, persons who by force or threat of force hereafter divert ships or aircraft registered by the requesting state from their normal routes and activities and bring them to the requested state.

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3. Each Government reserves the right not to return
(a) its own nationals and (b) persons to whom it grants
political asylum.

The Embassy has the honor to propose that, if the
Memorandum of Understanding set forth above is acceptable
to the Ministry of Foreign Relations, this Note and the
Ministry's reply concurring therein shall constitute an
agreement between the Government of the United States and
the Government of Cuba which shall enter into force as
of the date of the Ministry's reply." END QUOTE.

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